

The Georgia State Board of Physical Therapy met on **November 29, 2005** at the Offices of the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA for the purpose of conducting business.

Members Present:

- Sandra Eskew Capps, P. T., President
- Charlene D. Portee, P.T., Vice President
 - John L. Cowherd, Consumer Member
 - Andy Ellis, P.T.
 - Brad Freemyer, P.T.
 - Lola Rosenbaum, P.T.
 - Patricia Willis, P.T.

Others Present:

- Anita O. Martin, Executive Director
- Tricia Downing, Board Attorney
- Eva Holmes, Board Secretary

The Board convened as a committee at 10:00am. All recommendations of the committee were reviewed and voted on by the board once a quorum was reached.

President Sandra E. Capps established that a quorum was present, and called the Public Hearing to order to review Board Rule 490-10-.01 – Preventative Services

No comments were received and the public hearing was adjourned.

President Sandra E. Capps established that a quorum was present, and called the meeting to order in Open Session at 10:30 A.M

AGENDA

Considered the adoption of rule 490-10-.01 – Preventative Services

- It was motioned by Brad Freemyer and seconded by Patricia Willis and the Board voted to adopt rule 490-10-.01 – Preventative Services.

490-10-.01 Preventative Services

A licensed physical therapist or a licensed physical therapist assistant under the supervision of an appropriately licensed physical therapist may perform Preventative services that are not considered “implementing a program of physical therapy treatment without consultation.” For purposes of this rule, “Preventative services” is defined as the use of physical therapy knowledge and skills by a physical therapist or physical therapist assistant to provide education or activities in a wellness or community setting for the purpose of injury prevention, reduction of stress and or the promotion of fitness, but does not include administration of physical therapy treatment.

O.C.G.A. §§ 43-33-3 and 43-33-18.

At its meeting on November 16, 2004, the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable statutes as provided by the Attorney General's office.

Additionally, at this meeting the Board voted that it is not legal or feasible to meet the objectives of the applicable statutes to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Physical Therapy.

Considered for approval minutes from October 18, 2005 meeting

- Patricia Willis motioned, Lola Rosebaum seconded and the board voted to approve the minutes as amended.

Considered for approval minutes from November 1, 2005 conference call meeting.

- Brad Freemyer motioned and Charlene Portee seconded and the board voted to approve the minutes.

Considered adoption of new policy –

- The board tabled this item until the next meeting.

Considered Board Rule 490-2-.09 Licensure: Endorsement

- The board tabled this item until the next meeting.

Considered Board Rule 490-2-.10 – Volunteers and Physical Therapy

- The board tabled this item until the next meeting.

Received correspondence from Lisa Jenkins at Rehabworks regarding rule 490-5-.01

- Brad Freemyer motioned, Charlene Portee seconded and the Board voted to open a case and to refer the matter to Medicare and Medicaid.

Considered adding Wellness definition in statute.

- This information was viewed by the Board as informational. No action taken.

Considered termination of Probationary Status for Joseph McGuyrt.

- It was motioned by Lola Rosenbaum, seconded by John Cowherd and the Board voted to approve if all conditions have been met to approve termination of probation. If conditions have not been met, deny termination of probation. It was found that all conditions had been met; therefore the Probationary status will be terminated.

Received correspondence from APTA requesting a petition to amend Rule 490-9.02

- The Board requested that correspondence be sent to notify APTA that the Board appreciates the input and will take the information provided under advisement. This will be referred to Tricia Downing to review and advise.

Reviewed correspondence from Jay Potter regarding Continuing Competency Requirements.

- Mr. Cowherd motioned, Ms. Rosenbaum seconded and the Board voted to deny the request.

Reviewed correspondence from APTA regarding completion of credentialed residency.

- The Board requested that correspondence be sent to notify that completion of a credentialed residency meets the criteria for continuing competency.

Elections of Officers

- Sandy E. Capps nominated and Brad Freemyer seconded and the Board voted on the following officers:
 - Charlene Portee, PT – President
 - Lola Rosenbaum, PT – Vice-President
 - Anthony Ellis, PT – Cognizant

The Board recessed its Board meeting for the Annual Public Meeting as follows:

**ANNUAL PUBLIC MEETING – 1:00p.m. – 2:35p.m.
AGENDA TOPICS**

- Overview of purpose of board and consumer member role.
- Katrina Disaster information
- Overview of 2005 rule changes
- Overview of board policies
- Overview of cognizant & disciplinary duties/process
- Review of examination information
 - IT presentation on applicant & licensee notification
- Continuing Competency & Babies Can't Wait
- Proposed rule changes/rules under discussion
 - Provided info to those in attendance about how to be added to the board's IP list
- Questions & Answers from the floor

Public Meeting started at 1:10. The topics listed above were discussed at the Public Meeting. 25 people were in attendance. The public meeting was adjourned at 2:35p.m.

At the conclusion of the Public Meeting, the Board reconvened its Board meeting at 3:00 p.m.

John Cowherd made a motion and Mr. Ellis seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A §43-1-19(h)(2) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Ms. Portee, Mr. Freemyer, Ms. Rosenbaum & Ms. Willis. The Board concluded **Executive Session** in order to vote on these matters and continue with the public session.

Applications Report

Renewal application request from C.J.D.

- Mr. Freemyer motioned; Ms. Willis seconded and this request was approved by the Board.

Renewal application requested from D.F.

- Mr. Ellis made a motion and Ms. Portee seconded and the board voted to notify D.F. that the request for a new license number was denied.

Consent Order

- Ms. Willis motioned and Mr. Cowherd seconded. The Board voted to accept the consent order on David S. Winter.

Request for CLEP Exam information from P.T. applicant S.M.

- The Board requested that notification be sent to the applicant to contact the College Board for information.

Reinstatement applicant Laura S. McMurrain requesting waiver of Board Rules 490-04-.01 and 490-02-.02.

- Ms. Portee made a motion and Mr. Freemyer seconded and the board voted to deny the request.

Request for reinstatement of Licensure from W.A.W.

- No action taken. The Board will consider the reinstatement application upon receipt of a recommendation from his treatment team.

Renewal application request to vary the continuing competency requirement for Marek Szatsznajder.

- Ms. Rosenbaum motioned; Mr. Ellis seconded and the Board approved the variance request and will allow 6 months to complete the continuing competency jurisprudence requirement.

Review results from O.M.P.E. for PTA applicant E.T.C.

- Mr. Freemyer motioned; Ms. Portee seconded and the board voted to approve the application with a letter of concern about professional conduct expectations.

Renewal application - G.D.W.

- Mr. Cowherd made a motion; Mr. Ellis seconded the motion and the Board voted to approve.

Renewal application - D.C.

- Ms. Portee motioned; Ms. Willis seconded and the Board voted to approve.

Renewal application - A.K.

- Ms. Willis motioned; Mr. Freemyer seconded and the board voted to approve.

Reinstatement application - P.E.

- Mr. Ellis made a motion and Mr. Cowherd seconded the motion. The Board voted to approve.

Renewal application - M.J.C.

- Ms. Rosenbaum motioned; Ms. Portee seconded and the board voted to approve.

Endorsement application (Katrina) - L.D.

- Ms. Willis motioned and Ms. Portee seconded and the board voted to approve.

Mr. Freemyer made a motion; Mr. Cowherd seconded and the board voted to approve the following recommendations made by the cognizant board members regarding cases reported on by Enforcement and the Board Attorney.

Kathy Harvey, Enforcement

- PT030012 – Close
- PT030024 – Close
- Accept C&D on Angel Williford
- Accept C&D on Peter Hughes – Refer to Chiropractic & AT Boards
- PT050049 – Close with letter of concern about using the term “Physical Therapy” and refer to AT Board
- PT050050 – Close with letter of concern & refer to Chiropractic Board.
- PT050051 – Issue Public Consent Order with
 - 5 years Probation
 - \$500 fine
 - Submit within 3 months a course to be pre-approved by the board for law and ethics. Once course is completed, must take & pass the laws and rules test w/FSBPT, pay all expenses associated with these requirements and submit documentation of completion within 6 months of docket date.
 - Require quarterly reports from supervisor specifically addressing supervision of support personnel.
 - Also send back to enforcement for further investigation – please get the name of the clinical supervisor and all PT’s & PTA’s at this facility.

Tricia Downing, Board Attorney Report

- E.T.C.–PT applicant – Approved with letter of concern about professional conduct expectations.
- Updated on 11 cases in her office.

Anita O. Martin, Executive Director

- Introduced New Board Secretary, Eva Holmes
- Provided the latest renewal numbers – 2772 PT's and 708 PTA's had renewed.
- Asked board to consider change in March 2006 meeting – Tabled – revisit at January 2006 meeting.
- Provided copies of letters sent to the board and to Mollie Fleeman and Cathy Cox from Carter Schondelmayer.

Exam Section Update – Sandy Eskew Capps & Brad Freemyer met with Wanda Jackson to review and revise laws and rules examination questions. Ms. Capps and Mr. Freemyer will meet again with Ms. Jackson to complete this review. Also Ms. Portee and Ms. Rosenbaum will participate as subject matter experts (SME's) in reviewing the practical exam under development.

OTHER BUSINESS

- Board requested that Mr. Cowherd draft a letter to Attorney General Thurbert Baker voicing concern surrounding board attorney being available for the duration of the board meeting.
- Board requested that Dr. Ajayi provide an update at the next meeting as to the status of the implementation of the on-line laws & rules test.

There being no further business to come before the Board, the meeting was adjourned at 5:30 P.M.

Minutes prepared by: Eva Holmes

Minutes reviewed by: Anita O. Martin